

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BANK POLICY INSTITUTE, OHIO CHAM-
BER OF COMMERCE, OHIO BANKERS
LEAGUE, AMERICAN BANKERS ASSOCI-
ATION and CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,

Plaintiffs,

v.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

Defendant.

Case No. 2:24-cv-04300
District Judge Algenon L. Marbley
Magistrate Judge Chelsey M. Vascura

Joint Motion To Stay Proceedings

All parties hereby jointly request that the Court stay proceedings in this matter until October 15, 2025, and for such further period as the parties jointly request by motion prior to that date and that the Court agrees is reasonable and appropriate. If the parties, after meeting and conferring, do not jointly request an extension of the stay beyond October 15, 2025, the parties agree that Plaintiffs will file their second and final summary judgment brief on October 15, 2025, and the Board will file its second and final summary judgment brief approximately four weeks after that date on November 12, 2025.

In support of their motion, the parties state the following:

1. This is a lawsuit under the Administrative Procedure Act in which Plaintiffs, a coalition of trade associations, challenge the current stress-testing process used by the Board of Governors of the Federal Reserve System (the “Board”) in establishing certain bank capital requirements.

2. As the parties reported to the Court in their February Joint Motion to Set Case and Briefing Schedule, ECF No. 34, and their May Joint Motion to Stay, ECF No. 53, the Board is currently “undertaking a process to revise its stress-testing framework.”

3. The Board issued its first Notice of Proposed Rulemaking (NPRM) to revise the stress-testing framework on April 17, 2025, and it received comments on that proposal.¹ The Board expects to issue another NPRM or NPRMs for publication in the Federal Register that will propose substantial further revisions by September 30 of this year. As explained in the first Joint Motion to Stay, the Board expects to fully disclose the stress-test models and issue an NPRM (or NPRMs) that (1) seek comment on the stress-test models and scenarios proposed to be used in the 2026 stress tests; (2) propose that going forward the Board would seek comment on the annual scenarios as part of each year’s stress-test cycle, and that the Board would seek comment on any material proposed changes to the stress-test models prior to their use in any annual stress-test cycle; and (3) seek comment on a revised scenario design framework that would include objective standards for the development of the annual stress test scenarios, including the global market shock and largest counterparty default components. Since the Court’s first order granting a stay of these proceedings, ECF No. 55, the parties have conferred on the Board’s progress toward these rule-makings. The Board continues to expect to issue these NPRMs by September 30, 2025.

4. Both Plaintiffs and the Board have filed their initial summary judgment briefs and, under the current schedule, would each file a second and final brief on August 1 and August 28, respectively. *See* ECF No. 55 (May 27, 2025 Order) at 1.

5. Given the progress that has been made to date and that the Board intends to continue

¹ *See* <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20250417a.htm>; 90 Fed. Reg. 16,843 (April 22, 2025).

to make in its forthcoming rulemaking proceedings, the parties believe that their respective resources would be better spent on those proceedings than further litigation at this time. A stay of proceedings would also conserve judicial resources in the event that Plaintiffs' claims are resolved through the notice-and-comment process, and the Court's discretionary power to stay proceedings is clear. *See, e.g., Clark v. Pizza Baker, Inc.*, No. 2:18-CV-157, 2018 WL 2119309, at *2 (S.D. Ohio May 8, 2018) (Marbley, J.) (citing *Clinton v. Jones*, 520 U.S. 681, 706 (1997) ("The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.")).

6. This case was filed in December 2024, progress has already been made in moving the litigation towards a timely resolution, and the Board intends to move expeditiously to initiate and complete the rulemaking proceedings described in paragraph 3 above. Accordingly, no prejudice will result from a stay.

* * *

For these reasons, the parties jointly and respectfully request that the Court enter an order extending the stay in this matter until October 15, 2025, and for such further period as the parties jointly request by motion prior to that date and that the Court agrees is reasonable and appropriate. The Court should further order that absent another extension of the stay, Plaintiffs' second and final summary judgment brief shall be due on October 15, 2025, and the Board's second and final summary judgment brief shall be due on November 12, 2025. A proposed order is attached.

Dated: July 30, 2025

Respectfully submitted,

/s/ James A. King
James A. King (No. 0040270)
Trial Attorney
PORTER WRIGHT MORRIS & ARTHUR
LLP
41 South High Street, Suites 2800 - 3200
Columbus, OH 43215
Telephone: (614) 227-2051
Facsimile: (614) 227-2100
jking@porterwright.com

*Attorneys for Plaintiffs Bank Policy Institute,
Ohio Chamber of Commerce, Ohio Bankers
League, American Bankers Association, and
Chamber of Commerce of the United States
of America*

/s/ Joshua P. Chadwick
Joshua P. Chadwick
Assistant General Counsel, Trial Attorney
Nicholas Jabbour
Monika Moore
Senior Counsels
Board of Governors of the Federal Reserve
System
20th Street and Constitution Avenue, N.W.
Washington, D.C. 20551
joshua.p.chadwick@frb.gov
(202) 263-4835

*Attorneys for the Board of Governors of the
Federal Reserve System*

Don Boyd (No. 0089180)
OHIO BANKERS LEAGUE
4215 Worth Avenue, Suite 300
Columbus, OH 43219
Telephone: (614) 340-7595

Attorney for Plaintiff Ohio Bankers League

John Court*

/s/ Eugene Scalia
Eugene Scalia*
Matt Gregory*
Zachary B. Copeland*
Giuliana C. Cipollone*
GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036
Telephone: (202) 955-8500
Facsimile: (202) 467-0539
escalia@gibsondunn.com
mgregory@gibsondunn.com
zcopeland@gibsondunn.com
gcarozzacipollone@gibsondunn.com

*Attorneys for Plaintiffs Bank Policy Institute,
Ohio Chamber of Commerce, Ohio Bankers
League, American Bankers Association, and
Chamber of Commerce of the United States of
America*

Tony Long (No. 0037784)*
OHIO CHAMBER OF COMMERCE
34 South Third Street, Suite 100
Columbus, OH 43215
Telephone: (614) 228-4201

*Attorney for Plaintiff Ohio Chamber of Com-
merce*

Jennifer Bandy Dickey*
Jordan L. Von Bokern*
U.S. CHAMBER LITIGATION CENTER
1615 H Street, N.W.
Washington, D.C. 20062
Telephone: (202) 463-5337

*Attorneys for Plaintiff Chamber of Commerce
of the United States of America*

Sarah Flowers*
BANK POLICY INSTITUTE
1300 Eye Street, N.W., Suite 1100 West
Washington, D.C. 20005
Telephone: (202) 289-4322

Attorneys for Plaintiff Bank Policy Institute

Thomas J. Pinder*
Andrew Doersam*
AMERICAN BANKERS ASSOCIATION
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 663-5035

*Attorneys for Plaintiff American Bankers
Association*

*Admitted *pro hac vice*